

GOVERNMENT OF TELANGANA

ABSTRACT

Rules – Telangana Municipal Corporation (Conduct of Election of Members / Election expenses and Election petitions) Rules, 2005 - Certain amendments - Notification – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (C1) DEPARTMENT

G.O.MS.No. 62

Dated: 01/03/2016.

Read the following:

- 1.G.O.Ms.No.143, MA&UD (A2) Dept, Dated:13.10.2015.
- 2.G.O.Ms.No.175, MA&UD (C1) Dept, Dated:23.11.2015.
- 3.G.O.Ms.No.52, MA&UD (C1) Dept., Dated:19.02.2016.
- 4.G.O.Ms.No.56, MA&UD (C1) Dept., Dated:24.02.2016.
- 5.From the Secretary, TSEC, Lr.No.518/TSEC-ULBs/2016, dt:27.02.2016.

O R D E R:

Whereas, in the G.O 1st read above orders were issued adapting the Andhra Pradesh Municipal Corporations Act, 1994, to the State of Telangana;

2. And whereas, in the G.O 2nd read above orders were issued adapting the Andhra Pradesh Municipal Corporations (Conduct of Election of Members / Election expenses and Election petitions) Rules, 2005, to the State of Telangana;

3. And whereas, in the circumstances reported by the Secretary, Telangana State Election Commission, Hyderabad in the reference 5th read above, it has been decided to amend the Telangana Municipal Corporations (Conduct of Election of Members / Election expenses and Election petitions) Rules, 2005, suitably.

4. Accordingly, the following Notification will be published in an Extra- ordinary Issue of the Telangana Gazette dated:01.03.2016.

N O T I F I C A T I O N

In exercise of the powers conferred by section 585 read with section 5 of the Greater Hyderabad Municipal Corporation Act, 1955 and sub-section (1) of section 18 of the Telangana Municipal Corporations Act, 1994, the Government of Telangana hereby makes the following amendments to the Telangana Municipal Corporations (Conduct of Election of Members/ Election expenses and Election petitions) Rules,2005 as amended from time to time.

AMENDMENTS

I. In the said Rules,

(1) after rule 61, the following proviso shall be added, namely :–

“Provided that a printer with a drop box of such design, as may be approved by the State Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such Ward or Wards or parts thereof as the State Election Commission may direct”.

(2) In Rule 62, after sub-rule (4), the following sub-rule shall be added, Namely, –

“(5) Where the printer for paper trail is used under the proviso to rule 62, set the printer as per the number of contesting candidates set in the control unit by,–

- (a) Loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under cause (a);

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- (b) Loading paper in the printer; and
- (c) Sealing the printer in such manner as may be directed by the Election Commission".

(3) In rule 65,-

(a) in sub-rule (1), for the portion beginning with the words "every voting machine used at polling station", the words "every voting machine used at polling station and the printer for paper trail where used", shall be substituted;

(b) in sub-rule (2), for the portion beginning with the words and figures "no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (4).", the words and figures "no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule(1), and where the printer for paper trail is used that the drop box of the printer is empty " shall be substituted;

(c) after sub-rule (6), the following sub-rule shall be added, namely –

"(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the State Election Commission."

(4). In rule 73, in sub-rule (3) after clause (c), the following proviso shall be added, namely: –

"Provided that where printer for paper trial is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept alongwith the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer."

(5). After rule 73, the following rule shall be added, namely :-

"73A. Procedure in case of complaint about particulars printed on paper slips-

(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 73 alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the presiding officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the presiding officer shall make a second entry related to that elector in Register of Votes in Form XXXIV, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

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(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule(2), then, the Presiding Officer shall-

(i) make a remark to that effect against the second entry relating to that elector in Register of Voters in Form XXXIV mentioning the serial number and name of the candidate for whom such test vote has been recorded;

(ii) obtain the signature or thumb impression of that elector against such remarks; and

(iii) make necessary entries regarding such test vote in item 4 in Part I of Accounts of Votes Recorded in Form XXXVI."

(6). In rule 80,-

(a) in sub-rule (1), for the portion beginning with the words "detach the balloting unit from the control unit", the words "detach the balloting unit from the control unit and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact" shall be substituted ;

(b) in sub-rule (2), for the portion beginning with the words "The control unit and the balloting unit shall," the words "The control unit, the balloting unit and the printer, where it is used, shall" shall be Substituted.

(7). In rule 86,-

(a) in sub-rule 2, after clause (a) the following proviso shall be added, namely:-

"Provided that the test vote recorded, if any, for a candidate, as per item 4 in Part I of Accounts of Votes Recorded in Form XXXVI, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit."

(b) after rule 86, the following rule shall be added namely:-

"86A. Scrutiny of Paper Trail:-

(1) Where printer for paper trail is used, after the entries made in the result sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the returning Officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the returning officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject in whole, if it appears to him to be frivolous or unreasonable.

(3) Every decision of the returning officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the returning officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall,-

(a) do the counting in the manner as may be directed by the Election Commission;

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- (b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form XXX as per the paper slips count;
- (c) announce the amendments so made by him; and
- (d) complete and sign the result sheet".

(8). In rule 87,-

- (a) in sub-rule (1), for the portion beginning with the words "the memory of such result", the words "the memory of such result and where printer for paper trail is used, the returning officer shall seal the paper slips in such manner, as may be directed by the Election Commission", shall be substituted;
- (b) in sub-rule (2), for the portion beginning with the words "The control unit", the words "The control unit and the paper slips", shall be substituted;
- (c) in sub-rule (2), clause (c) for the words "The control unit", the words "The control unit and printer wherever used", shall be substituted;

(9). In rule 88, sub-rule (2) after clause (c), the following clause shall be added namely:-

"(cc) the printed paper slips sealed under the provisions of rule 87".

(10). In rule 89, in sub-rule(1), after clause (b), the following clause shall be added, namely:-

"(c) the printed paper slips sealed under the provisions of rule 87"

II. In Form No .XXXVI, in Part-I (Account of Votes recorded),-

(1) after item.3, the following item shall be added namely:-

"4, Total Votes recorded under sub-rule (4) of rule 73 A required to be deducted,-

a. Total number of test votes to be deducted

Total No.	Sl.No.(s) of elector(s) in Form XXXIV
_____	_____

b. Candidate(s) for whom test vote(s) cast:

Sl.No.	Name of the candidate	No. of Votes
_____	_____	_____ "

(2) after so addition the item Nos., "4 to 8" shall be re-numbered as item Nos., "5 to 9" respectively.

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III. In Form No .XXXVI, Part-II (Result of Counting),- for the existing Form, the following Form, shall be substituted,-

Part-II
Result of Counting

Sl.No.	Name of the Candidate	No. of Votes as displayed on control unit	No. of test votes to be deducted as for item 4 of Part-I	No. of valid votes (3-4)
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
5				
6				
7				
8	None of the above (NOTA)			

Total:

Whether the total Nos., of votes shown above tallies with the total No. of votes shown against 4 of Part-I or any discrepancy noticed between the two totals. If any discrepancy noticed, the reasons for discrepancy are

Place:
Date:

Signature of Counting Supervisor

Sl.No.	Name of the Candidate / Election Agent / Counting Agent	Full Signature
1		
2		
3		
4		
5		
6		
7		
8		

Signature of Returning Officer

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M.G.GOPAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Printing and Stationary, purchase, Telangana,
Hyderabad (for publication of the notification in the Extra –
Ordinary Gazette and supply of 50 copies of the same).

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The Secretary, Telangana State Election Commission, 5th Floor, DTCP
Building, AC Guards, Hyderabad.

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

The Commissioner & Director of Municipal Administration, Hyderabad.

Copy to:

P.S to Principal Secretary to Chief Minister.

P.S to Minister (MA&UD).

P.S to Special Chief Secretary, MA&UD Department.

The Law (C) Department.

Sf/Sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER